

REMARKS

The Office Action dated May 23, 2008 has been received and its contents carefully noted. The Office examined claims 1-47 and rejected same. With this paper, none of the claims are amended, none are canceled, and none are added, so that claims 1-47 remain in the application.

Rejections under 35 USC §102

At sections 3-4 of the Office action, claims 27, 30, 33, 36-38, 41-42 and 44-47 are rejected under 35 USC §102(e) as being anticipated by U.S. Pat. No. 6,961,754 to Christopoulos et al (hereinafter Christopoulos). Of these claims, claims 27, 30, 33 and 38 are independent.

In respect to all of the rejections, applicant notes that the Office equates "terminal and/or network capabilities" of Christopoulos to "media characteristics for a media component of the message." Applicant respectfully submits that, as set out in more detail in what follows, the recited media characteristics are characteristics of a media component included in a message, and terminal and/or network capabilities are independent of any media component in any message, thus the two cannot be equated. The terminal and/or network capabilities, may however, be compared to the media characteristics of the message, which must be done in order to determine whether transcoding of the message must be performed to make it possible for the receiving terminal to display the message. Whereas the applied art teaches only using user preferences and terminal capabilities to determine what, if any, transcoding to perform, the invention provides that the media characteristics of a message are inserted into the message so that they are readily available to a transcoding entity to

compare the media characteristics with the terminal capabilities of the receiving terminal. There is simply no suggestion or teaching in Christopoulos of inserting the media characteristics of a message into the message. The advantage of inserting the media characteristics of a message into the message is that, as explained in the application throughout, another entity (such as a messaging server) can then determine whether to transcode the message without itself having to examine the message and determine for itself the media characteristics.

As to claim 27, the Office asserts that Christopoulos teaches "an apparatus for transmitting a message, the apparatus comprising a processor configured to: determine media characteristics for a media component of the message, and provide the media characteristics in the message" as claimed. The Office relies upon Christopoulos col. 10, lines 43-51, and col. 4, lines 3-12, which read:

In step 418, the image server IS1 invokes the IAS to adapt the image selected by U_A , according to the user preferences and the terminal and/or network capabilities associated with both U_A and U_B . In addition, the image server IS1 invokes the TSS to adapt the image according to the user preferences and the terminal and/or network capabilities associated with U_A and U_B , and to compress the image data in accordance with a data compression scheme that supports these terminals. The image server IS1 then returns the adapted image to the terminal servlet TS2.

The Information Adaptation Service and the Transcoder/Scalability Service both rely on a set of user preferences and a set of terminal and/or network capabilities (e.g., available bandwidth, bit error rate, display size, resolution, computational processing power, storage capacity). The information and/or data which defines the user preferences as well as the network and terminal capabilities is either provided to the external device or stored in one or more databases that are accessible by the external device.

At section 8 of the Office action, the Office asserts that Christopolous' disclosure of "a set of terminal and/or network

capabilities (e.g. available bandwidth, bit error rate, display size, resolution...) clearly teaches the broad limitation of "media characteristics" as claimed. Applicant respectfully disagrees and submits that there is no relationship between terminal and/or network capabilities and media characteristics as claimed. As the term "media characteristics" implies, media characteristics are characteristics of media, and in the context of the claimed invention, the media is a media component of a message that may include several media components. As the term "terminal and/or network capabilities" implies, taking into account the context in which it is used in the applied art, terminal and/or network capabilities are capabilities of a terminal or network in respect to how a message is displayed on that terminal or network, but they are not characteristics of the actual message that is being transmitted to that terminal or network. Characteristics of media of a message are independent of any terminal and/or network, and are therefore independent of any terminal and/or network capabilities. Consequently, media characteristics are different in kind from terminal and/or network capabilities. While some terminal and/or network capabilities may include information regarding the manner in which some kinds of media could be displayed on a terminal and/or network, the information is nevertheless not a media characteristic as claimed, i.e. not information about a media included in a message, but is instead information about the capabilities of the terminal and/or network which is to receive the message being transmitted.

Nowhere in the cited art it is disclosed or suggested that the media characteristics of a message are determined and then provided in the message.

Further, the above passages cited by the Office clearly indicate that the image (i.e. media component) is adapted according to *both* the user preferences and terminal and/or network capabilities associated with *both* end-users. In contrast, in the claimed invention, only the media characteristics for a media component of the message are determined and provided in the message, and further, the message is generated solely by one user, not both end-users. Therefore, Christopoulos fails to disclose that it is only the media characteristics for a media component of the message being transmitted by an apparatus that are determined and provided in the message as claimed. Thus, Christopoulos does not disclose or suggest all the elements of independent claim 27, therefore Christopoulos does not anticipate claim 27.

In addition, starting at page 22, line 1 of the original application, the present invention teaches:

Referring now to Fig. 3 (and still also to Fig. 2), the invention is shown as providing a method including a first step 31 in which the sending terminal's user agent 21a inserts media characteristics information in a message (after possibly analyzing each media component) intended for the receiving terminal 25. In a next step 32, the sending terminal 21 sends the message to the receiving terminal 25, with the result that the message arrives at the messaging server 22 *en route* to the receiving terminal. In a next step 33, the messaging server reads the inserted media characteristics, compares them with actual or assumed capabilities of the receiving terminal (actual being obtained e.g. by a look up), and decides whether there is a need for any transcoding. If transcoding is not needed, then in an optional next step 37, the messaging server removes the inserted media characteristics (possibly based on type of receiving terminal), and in a next step 38 the messaging server sends the message to the receiving terminal. If however transcoding is needed (according to the comparison made by the messaging server), then in a next step 34 the messaging server sends the message to the transcoding server 24 (assumed here to be external to the messaging server, but could also be hosted by messaging server) for transcoding (along with an indication of the capabilities of the

receiving terminal or its identity information for use in possibly obtaining the capabilities of the receiving terminal, as explained above). In a next step 35 the transcoding engine hosted by the transcoding server transcodes the message based on the capabilities of the receiving terminal, possibly **using the inserted media characteristics as a guide to what needs to be transcoded in order to save analysis**. Then in a next step 36, the transcoding engine returns the message to messaging server. Then, optionally, the messaging server optionally performs step 37 in which it removes the inserted media characteristics. Finally, the messaging server sends the message to the receiving terminal (in step 38). [Emphasis added.]

Thus, an advantage afforded by providing the media characteristics in the message, as described above, is to save analysis, i.e. to reduce the number of analysis steps involved in determining whether or not the message requires transcoding. Christopoulos does not disclose or suggest any such reduction in analysis, which in turn saves time.

Accordingly, Applicant respectfully submits that independent claim 27 is allowable over the cited art and Applicant therefore requests that the rejection of claim 27 under 35 U.S.C. §102(e) be reconsidered and withdrawn.

Claims 30, 33 and 38 are independent claims having similar limitations as independent claim 27 and are rejected for the same reasons as claim 27. For at least the reasons regarding claim 27 clearly explained above, Christopoulos fails to anticipate claims 30, 33 and 38, therefore Applicant respectfully requests that the rejection of claims 30, 33 and 38 under 35 U.S.C. §102(e) also be reconsidered and withdrawn.

Claims 36-37, 41-42 and 44-47 are dependent claims and recite additional features not recited in independent claims 27, 30, 33 and 38. For at least the reasons regarding claims 27, 30, 33 and 38 above, Christopoulos does not anticipate the claimed invention. Therefore, claims 36-37, 41-42 and 44-47 are

also distinguishable over the cited art and Applicant respectfully requests that the rejection of claims 36-37, 41-42 and 44-47 under 35 U.S.C. §102(e) also be reconsidered and withdrawn.

Rejections under 35 USC §103

At section 5 of the Office action, claims 1-7, 10-21, 24 and 43 are rejected under 35 USC §103(a) as being unpatentable over U.S. Pat. No. 6,961,754 to Christopoulos et al. (hereinafter Christopoulos) in view of U.S. Pat. Pub. No. 2004/0111476 to Trossen et al. (hereinafter Trossen). Of these claims, claims 1, 11-13, 21 and 24 are independent.

As to claim 1, the Office asserts that Christopoulos teaches "a method by which a multimedia message is transcoded en route from a sending terminal via a messaging server to a receiving terminal, the method comprising: a user agent inserting, into the message, media characteristics of the message sufficient in detail to enable determining whether the message should be transcoded to accommodate multimedia capabilities of the receiving terminal; and the messaging server reading the media characteristics and deciding whether the message should be transcoded based only on the inserted media characteristics and on actual or assumed multimedia capabilities of the receiving terminal" as claimed. The Office relies upon Christopoulos col. 4, lines 8-12, col. 7, lines 15-34, and col. 10, lines 43-51, which read:

The Information Adaptation Service and the Transcoder/Scalability Service both rely on a set of user preferences and a set of terminal and/or network capabilities (e.g., available bandwidth, bit error rate, display size, resolution, computational processing power, storage capacity). The information and/or data which defines the user preferences as well as the network and terminal capabilities

is either provided to the external device or stored in one or more databases that are accessible by the external device.

The second service is referred to herein as the Transcoder/Scalability Service (TSS). The purpose of the TSS is to intelligently and automatically adapt the one or more selected objects, or portions thereof, as a function of the user preferences, the terminal capabilities associated with the terminal device (e.g., screen size, screen resolution, processing power and codec format) and the network capabilities associated with the communication channel over which the terminal device and the media server communicate (e.g., available bandwidth or bit error rate). For example, in the video application, the TSS may intelligently scale the bit stream associated with the 45 second video clip to preserve the video quality for the end-user, given the various user preferences and terminal and network capabilities associated with the end-user's terminal device. In the still image application, the TSS may intelligently adjust the resolution of a particular ROI within a still image to maximize the image quality for the end-user, given the various terminal and network capabilities associated with the end-user's terminal device.

In step 418, the image server IS1 invokes the IAS to adapt the image selected by U_A , according to the user preferences and the terminal and/or network capabilities associated with both U_A and U_B . In addition, the image server IS1 invokes the TSS to adapt the image according to the user preferences and the terminal and/or network capabilities associated with U_A and U_B , and to compress the image data in accordance with a data compression scheme that supports these terminals. The image server IS1 then returns the adapted image to the terminal servlet TS2.

The Office admits that Christopoulos does not explicitly teach that the media characteristics *of the message* are inserted from the user agent of the sending terminal, but relies on Trossen, par. [0040] to teach this feature, which reads:

By specifying one or more sending entity rules based upon the connectivity of the respective recipients, and/or by specifying one or more sending entity rules such that the media content is transcoded and/or truncated, the sending entity can send media content to the respective recipients in a more cost efficient manner, such as by specifying that the media content be delivered over a lower cost network and/or by specifying that content requiring higher bandwidth (e.g., video content) be truncated from delivered MMS messages when such messages are delivered over higher cost networks.

The Office indicates that "Trossen teaches of specifying to the recipient that the media content be truncated. Clearly, a 'user agent' to one of ordinary skill in the art is merely an executable program and inserting into a message is inherently performed when Trossen teaches 'the sending entity can send media content to the respective recipients...such as by specifying'."

Applicant respectfully submits that Trossen merely discloses specifying rules for sending the media content in a more cost efficient manner by truncating the message. Nowhere does Trossen disclose "*inserting, into the message, media characteristics of the message* sufficient in detail to enable determining whether the message should be transcoded to accommodate multimedia capabilities of the receiving terminal," as claimed. Using the disclosure of Trossen, for example, if delivery of the message requires a higher bandwidth due to video content, it is truncated over high cost networks. In contrast, using the claimed invention, if the message requires higher bandwidth due to video content, the message will include *inserted media characteristics of the message* sufficient to allow the message server reading the media characteristics to decide whether the message should be transcoded, based on the media characteristics of the message and the multimedia capabilities of the receiving terminal; either the message meets the capabilities of the receiving terminal and will be received without transcoding, or the message must be transcoded to meet the capabilities of the receiving terminal. As claimed, there is no situation whereby the message is truncated from delivery because of a rule generated regarding cost effectiveness, for example. Further, the rules disclosed in Trossen are not inserted into the message, as claimed. Applicant submits that

this feature is not inherently performed by Trossen, as asserted by the Office, for the foregoing reasons. As discussed above with regard to the 35 USC §102(e) rejections, Christopoulos fails to disclose or suggest "inserting, into the message, media characteristics of the message," as claimed, and Trossen also fails to disclose or suggest this feature. Therefore, Applicant respectfully submits that Christopoulos in view of Trossen does not render the claimed invention obvious.

Accordingly, Applicant respectfully submits that independent claim 1 is allowable over the cited art, therefore Applicant requests that the rejection of claim 1 under 35 U.S.C. §103(a) be reconsidered and withdrawn.

Claims 11-13, 21 and 24 are independent claims having similar limitations as independent claim 1. For at least the reasons regarding claim 1 clearly explained above, Christopoulos in view of Trossen does not render the claimed invention obvious, therefore Applicant respectfully requests that the rejection of claims 11-13, 21 and 24 under 35 U.S.C. §103(a) also be reconsidered and withdrawn.

Claims 2-7, 10, 14-20 and 43 are dependent claims and recite additional features not recited in independent claims 1, 11-13, 21, 24, 27, 30, 33 and 38. For at least the reasons regarding claims 1, 11-13, 21, 24, 27, 30, 33 and 38 above, Christopoulos in view of Trossen does not render the claimed invention obvious. Therefore, claims 2-7, 10, 14-20 and 43 are also patentable over the cited art, thus Applicant respectfully requests that the rejection of claims 2-7, 10, 14-20 and 43 under 35 U.S.C. §103(a) also be reconsidered and withdrawn.

At section 6 of the Office action, claims 28-29, 31-32, 34-35 and 39-40 are rejected under 35 USC §103(a) as being unpatentable over Christopoulos in view of U.S. Patent No. 7,159,039 to Hahn et al. (hereinafter Hahn). None of these claims is independent.

Claims 28, 31, 34 and 39 teach "wherein the message has a header portion and a body portion, and the media characteristics are provided in a field in the header of the message." Claims 29, 32, 35 and 40 teach "wherein the message has a header portion and a body portion, and the media characteristics are provided in a header field in the body of the message." The Office relies on Hahn to teach these features. While Hahn discloses that a message contains a header and a body, Hahn nowhere discloses or suggests the features of the claimed invention that are lacking in Christopoulos, namely "inserting, into the message, media characteristics of the message." Claims 28-29, 31-32, 34-35 and 39-40 are dependent claims and recite additional features not recited in independent claims 1, 11-13, 21, 24, 27, 30, 33 and 38. Consequently, claims 28-29, 31-32, 34-35 and 39-40 are also patentable over the cited art, thus Applicant respectfully requests that the rejection of claims 28-29, 31-32, 34-35 and 39-40 under 35 U.S.C. §103(a) also be reconsidered and withdrawn.

At section 7 of the Office action, claims 8-9, 22-23 and 25-26 are rejected under 35 USC §103(a) as being unpatentable over Christopoulos in view of Trossen and further in view of Hahn.

Claims 8-9, 22-23 and 25-26 are dependent claims and recite additional features not recited in independent claims 1, 21 and

24 from which they depend. For at least the reasons regarding claims 1, 21 and 24 above, Christopoulos in view of Trossen and further in view of Hahn does not render the claimed invention obvious. Consequently, claims 8-9, 22-23 and 25-26 are also patentable over the cited art, thus Applicant respectfully requests that the rejection of claims 8-9, 22-23 and 25-26 under 35 U.S.C. §103(a) also be reconsidered and withdrawn.

CONCLUSION

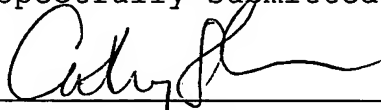
For all the foregoing reasons it is believed that all of the claims of the application are in condition for allowance and their passage to issue is earnestly solicited. Applicant's agent urges the Examiner to call to discuss the present response if anything in the present response is unclear or unpersuasive.

6.26.08

Date

WARE, FRESSOLA, VAN DER SLUYS
& ADOLPHSON LLP
755 Main Street, P.O. Box 224
Monroe, CT 06468-0224

Respectfully submitted,



Cathy A. Sturmer
Agent for the Applicant
Registration No. 60,869

tel: (203) 261-1234
Cust. No.: 004955